

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 6-12 are now present in this application. Claims 6 and 8 are independent.

Amendments have been made to the Abstract of the Disclosure and specification, claims 1-5 have been canceled, claims 8-12 have been added, and claims 6 and 7 have been amended. No new matter is involved. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed April 21, 2003, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Restriction Requirement

The Examiner has formalized the oral Restriction Requirement, and has withdrawn claims 6 and 7 from further consideration.

Applicants respectfully traverse the restriction requirement. The Office Action alleges that Inventions I and II are related as subcombination disclosed as usable together. This is not true. Claims 1-5 recite a different statutory class of invention than do claims 6 and 7. Claims 1-5 recite an internet remote controller, whereas claims 6 and 7 recite a method of controlling home appliance using an internet remote controller.

The Office has the burden of making out a *prima facie* case that claims 1-5 are independent and distinct inventions per 35 USC §121. However, the Office Action mischaracterizes the statutory category of claims 6 and 7 as well as the relationship between claims 1-5 and claims 6 and 7 and uses the wrong test for determining whether those inventions are independent and distinct (from MPEP §806.05(d)) and, accordingly, fails to make out a *prima facie* case that the inventions of Group I and Group II are restrictable.

Accordingly, withdrawal of the restriction requirement and an action on all pending claims is respectfully requested.

Substitute Specification

In accordance with MPEP §608.01(q), and at the request of Examiner Lazaro, Applicant herewith submits a substitute specification in the above-identified application. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. Applicant respectfully submits that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions. The substitute specification places the Application in proper idiomatic English.

Claim Objections

The Examiner has objected to claims 1 and 4 because of several informalities. In order to overcome this objection, Applicants have canceled claims 1-5 without prejudice, thereby mooting these objections, and added claims 8-12, which are believed to be in proper form. Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. §112, 2nd Paragraph

Claims 4 and 5 stand rejected under 35 U.S.C. §112, 2nd Paragraph. This rejection is respectfully traversed.

Claims 4 and 5 have been canceled without prejudice, thereby mooting this rejection

Rejection Under 35 U.S.C. §102

Claims 1-5 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent 6,104,334 to Allport. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In the first place, Applicants do not understand why this rejection is based on 35 USC §102(a) instead of 35 USC 103(e). MPEP §706.02(a) states that for 35 USC §102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant's own work.

Applicant's effective filing date is May 4, 2000, which is the filing date of Applicants' Korean patent Application, with respect to which priority is claimed.

The publication date of U.S. Patent 6,104,334 to Allport is August 15, 2000, which is later than Applicant's effective filing date of May 4, 2000.

Accordingly, this rejection is based on an improper statutory basis and must be withdrawn.

In the second place, claims 1-5 have been canceled without prejudice, thereby mooting this rejection.

Claims 6-12

Claims 6 and 7 have been amended and claims 8-12 added for the Examiner's consideration.

Applicants respectfully submit that claims recite features which are not disclosed or made obvious by the applied prior art reference.

The system claims, i.e., claims 8-12, recite a combination of features including an appliance having a receiver to receive the appliance operating parameter data received by the remote control unit from the personal computer and transmitted to the appliance by the remote control unit, and a processor to operate the appliance based on the appliance operating parameter data and the control command transmitted to the appliance by the remote control unit. Allport does not disclose these features.

The method claims, i.e., claims 6 and 7, recite a combination of features, including receiving and storing at least part of the appliance operating parameter data on an internet remote controller connectable directly or remotely to the computer; transmitting from the remote controller the stored appliance operating parameter data and a control command of a home appliance to the corresponding control apparatus of a home appliance to be

controlled; and controlling operation of the home appliance based on the transmitted appliance operating parameter data and the control command. Allport does not disclose these features.

Consideration and allowance of claims 6-12 are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

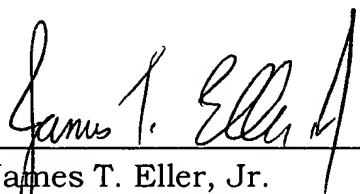
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.


Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
James T. Eller, Jr.
Reg. No.: 39,538

JTE/RJW/adt;fjl 

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000

Attachment: Abstract of the Disclosure
Substitute Specification (with marked-up copy)